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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91173564
Party	Defendant MAGCHEM INC.
Correspondence Address	HAROLD L. NOVICK NATH & ASSOCIATES PLLC 112 S. WEST STREET ALEXANDRIA, VA 22314 UNITED STATES dstarr@nathlaw.com, hnovick@novick.com
Submission	Motion to Amend Application
Filer's Name	Harold L. Novick, H. David Starr
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Signature	/Harold L. Novick/ / H. David Starr/
Date	05/09/2008
Attachments	Consented Motion to Amend Appl.pdf (3 pages)(59869 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

3M COMPANY)	Opposition No. 91173564
)	
Opposer,)	
)	
v.)	CONSENTED MOTION TO
)	AMEND APPLICATION
)	PURSUANT TO PARTIES'
)	SETTLEMENT AGREEMENT
)	
MAGCHEM INC.,)	
)	
)	
Applicant.)	Mark: AQUACURE
)	Serial No.: 78/180,141
)	Filed: October 30, 2002

Applicant, Magchem Inc. ("Applicant"), by its attorneys, hereby moves, with the consent of the Opposer, 3M Company ("Opposer"), that its subject application be amended in accordance with the Settlement Agreement entered into by the parties to this Opposition. 37 CFR §2.133(a); TBMP §§514, 605.03(b). Specifically, the parties have agreed, the Board approving, that the identification of goods in the application be amended as follows:

water treatment specialties, namely, corrosion and scale inhibitor, boiler water dispersant and anti-foaming chemicals sold as a unit with water treatment equipment namely filters, water softeners, and chemical injection units for the treatment of process water, waste water and water systems such as cooling towers, steam generating systems, closed cooking loops and hot water heating systems mainly to prevent corrosion, scaling, microbiological growth and to control total dissolved solids, *such specialties excluding use in residential applications and use in the food service industry.*

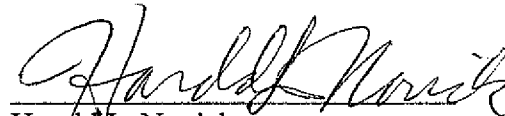
The amendment is clearly limiting in nature as required by Trademark Rule 2.71(b).

Furthermore, Applicant, with the consent of Opposer, further requests that the Board suspend this Opposition pending USPTO consideration of Applicant's proposed amendment. Upon entry of the requested amendment, Opposer will move to dismiss this Opposition proceeding pursuant to the parties' Settlement Agreement.

For all the foregoing reasons, approval of the present consented Motion is respectfully requested.

Date: May 9, 2008

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Harold L. Novick".

Harold L. Novick

H. David Starr


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Attorneys for MAGCHEM INC.

CERTIFICATE OF SERVICE

This is to certify that I am on this date serving a copy of the within and foregoing upon the attorney for Opposer by depositing a true and correct copy of same in the United States Mail in an envelope with sufficient first class postage affixed thereon to ensure delivery, addressed as follows:

Michael Metteauer, Esq.
Chet Garner, Esq.
FULBRIGHT & JAWORSKI L.L.P.
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Harold L. Novick
H. David Starr
Attorneys for Applicant

Date: May 9, 2008

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